

Some reflections on the structure of the governing bodies of public schools in the South-African Schools Bill (29 March 1996)

*Jef C. Verhoeven*¹

In recent years South African society has passed through an impressive process of democratization. This is not only expressed in the new constitution but also in other sectors of the organization of society. One of these major changes is shown in the South African Schools Bill of 29 March 1996. It is the purpose of the legislator to offer a wide participation of society in 'the governing body' of public schools in partnership between the provincial education authorities and a local community. This means that a governing body shall include: 1) parents of learners at the school; 2) educators at the school; 3) members of staff who are not educators; 4) the principal of the school; 5) in the case of a secondary school, learners at the school nominated by the students' representative council of the school; and 6) members of the community co-opted by the governing body (South African Schools Bill, 1996: 16). Such a composition is a valuable basis for democratic management of the schools in order 'to achieve an equitable distribution of education provision throughout the nation' (Education White Paper - 2, 1996: 5). This democratic structure is not only protected on the level of the school but also on the provincial and the national level. With this policy South Africa wants to make "a decisive shift toward a national, democratic and non-racial system of schools" (Education White Paper - 2, 1996: 11).

Opting for this type of governing body, South Africa not only has chosen the way of democratic governance in schools, but at the same time decentralization and devolution. At the moment this is a major trend in educational policy in many countries. The purpose of this policy is to give more responsibility to the local schools in order to react immediately on the local problems. The national policy maker does not have the means to adapt the national to the local requirements; school-based management can provide a better answer to the local demands and a better way of bringing in the available means in the local school.

1. Jef C. Verhoeven is professor of Sociology at the K.U.Leuven and is the director of the Centre for Theoretical Sociology and Sociology of Education at the same university. He published books and papers on theoretical sociology and sociology of education in both national and international journals. He gave many guest lectures at universities abroad, among them, the University of the Orange Free State (Bloemfontein), the Universiteit van Potchefstroom, and Vista University (Campus Bloemfontein and Welkom).

The purpose of this article is to reflect on the governing body of the schools in South Africa as it appears in the South Africa School Bill of 29 March 1996 and to make some marginal notes by referring to research conducted in other countries, mainly in Belgium. By doing this I want to enter two caveats. First, the comment will be given from my knowledge of school management as a researcher in Belgium and not from a deep acquaintance with the South African society or school system. This does not mean that I suggest to transfer the Belgian system to another country. From a sociological standpoint, this would be inadmissible. Both countries are culturally (e.g. South Africa has many language groups), economically ("almost half of the South African families live in poverty, mainly in rural areas" (Education White Paper 2, 1996: 5)), and demographically (e.g. high birth rate in South Africa and a larger proportion younger than 18 years) too different. The Belgian experience is only used as a starting point to reflect on the possible consequences of the legal position of the governing body. Second, these reflections will be more hypothetical than definitive statements. How governing bodies function can only be seen in the concrete practice, not in the prescriptions. Nevertheless, taken into account the future structure of the South African governing bodies, experiences in similar structures might give an idea of what could happen in the future.

Seven issues will be analyzed in this paper, viz. 1) the possible consequences of democratization (participation in school management) for the effectiveness of schooling, 2) the possible consequences of decentralization and devolution for school management, 3) the elections, 4) the position of the chairperson, 5) the number of the representatives, 6) the frequency of the meetings, and 7) the rights and the duties of the governing bodies.

1. Consequences of democratization

Participation of the different groups in the schools in school management is one of the rights of the members of a democratic society. It is a contribution to the development of a global democracy in society and for that reason important enough to be realized. This legitimization of participation in school management, although very important, is not satisfactory for educationalists. Schools are supposed to teach and create opportunities for learners. The question is then: does participation in school management contribute to the effectiveness of schooling? Answering this question unequivocally is not easy because of the different meanings given to the concept of effectiveness of schooling. Moreover, research until now was mainly interested in the participation of teachers in school management, not much in the position of the other groups (e.g. parents, learners, the community) in governing bodies.

C.S. Anderson (1982: 400), E. Lugthart et al. (1989: 107-110), D. Reynolds (1992: 11-12), and D.U. Levine (1992: 30) found in different investigations that when teachers participate in school management the achievement of pupils is better. Other researchers are more critical. The data of the latter do not confirm the positive answer of former educationalists. We give two examples.

First, M. Rutter et al. (1979-1987: 135-138) found in English schools that the achievement of pupils was higher in schools where decisions were taken by middle level school managers, viz. a small group of experienced teachers, heads of department, or the heads of classes. Nevertheless, some data show that where these middle level managers paid attention to the opinion of the teachers the achievement of the pupils improved as well (see also Reynolds and Reid, 1985: 192).

Second, Verhoeven et al. (1992: 466-471, 492-495, 508-511) analyzed the relationship between the evaluation of the participation councils in schools by the teachers and Dutch and mathematics achievement of pupils by using multi-level analysis. It should be stressed that this research is not about the participation of teachers in governing bodies, but about the teachers' appraisal of the functioning of all kind of participation councils in schools. This investigation came to the conclusion that Dutch and maths achievement was not higher in schools with high school means as far as the appreciation of the participation councils by teachers is concerned than in schools with low school means. Moreover, no relationship was found between the school means of the self-judgement of the pupils about their school well-being and the school means of the appreciation of the participation councils by the teachers. A high appreciation of the participation of school councils seems to be no guarantee for high achievement and high school well-being of pupils.

Nonetheless, participation of teachers in the decision-making in schools may have some effects on other aspects of school life, and might contribute indirectly to the achievement of pupils. S.J. Rosenholtz (1989: 46-49) concludes that good participation of teachers in the decision-making process of the school contributes to the collegiality among teachers. Having the possibility to discuss common problems, formulating common purposes, and collegially searching for solutions of problems improves the relationships among teachers, which contributes to the improvement of the achievement of pupils. We found the same relationship in Flemish schools: the higher the school means of the appreciation of collegiality of the teachers, the higher the school means of Dutch achievement and maths achievement. This was not the case as far as school well-being of pupils is concerned, i.e. high appreciation of collegiality by teachers seems to have no influence on school well-being of pupils (Verhoeven et al.: 1992: 466-470). When we agree on the statements of Rosenholtz (1985: 374) and Reynolds (1992: 14) that collegiality will be improved by participation of teachers in the decision-making process of the school, and we realize that collegiality has some influence on the achievement of pupils, we have some indicators that participation might contribute to achievement, though indirectly. Indeed, participation of teachers creates a forum to discuss the targets of the school and this might improve the concern of teachers about the targets and influence their concern about didactics necessary to improve the achievement.

To what extent the participation of parents, members of the community, and pupils contribute to the effectiveness of schooling can not be supported by research data. Nevertheless, it is quite reasonable to accept that these factions may highlight issues (home culture of the pupils, the concerns of the parents, pupils and the community) which might contribute to the improvement of the achievement, and of the school well-being of pupils. Consequently, there are good reasons to support that the option of the South African Schools Bill for the participation of the different factions in the school in the governing bodies is not only a contribution to the establishment of democracy in society, but might also contribute to the effectiveness of schooling.

2. Decentralization and devolution

The South African School Bill (1996: Sections 13 and 14) does not only intent to give more power to the different factions in the schools, it also gives power and responsibility to the local school by offering the governing bodies a lot of powers and duties (see later). The national policy makers realize that a national policy cannot answer all local problems, and therefore have put the responsibility in the hands of the local governing bodies. This gives the governing bodies much independence in matters of school policy and school management, but on the other hand, this is a big challenge for school directors and governing bodies. The problem is whether all school directors and governing bodies are well prepared to cope with this new challenge.

The Flemish (Belgium) experience shows that decentralisation and devolution is not easily accepted by principals and governing bodies. They fear that the government will cut the budget and put all the responsibility to solve the problems in the hands of the local school. Another problem is that a part of the directors and the members of the governing bodies are not sufficiently familiar with management techniques, and financial administration to secure good management. These problems become even more threatening when decentralization starts at the same time as the process of participation or democratization. There was no tradition in Flanders (Belgium) of teacher participation in school decision making in the 1980's. Although teachers were interested in taking part in the decision-making as far as the educational management of the school was concerned, they were not so much interested in general and financial management (Verhoeven, 1982a: 32; 1982 b: 206). Nevertheless, about 40% of the teachers of our survey felt themselves deprived; they wanted more participation. In spite of this attitude, once they had the chance to participate in school councils, a lot of teachers were not really interested. They delegated this task to the trade unions. And even then, many teachers thought that school policy was the task of the director, not of the teachers (Verhoeven and Vandenbergh, 1989: 367).

This problem did not only show up in Flanders. Australia, the USA, and Canada had similar experiences. In Australia teachers were not keen to participate in school policy, except in schools where participation was promoted by the director (Chapman, 1990: 233, 232). In schools with a more autocratic director the teacher participation was low in spite of the existing participation councils. And although teachers were not satisfied about school policy they did not want to participate in the decision-making process. An other investigation has also shown that several teachers consider participation as additional work without a serious influence on the decision-making process. Some even suggest that teacher participation is a threat for the strength of the trade unions. Indeed, when teachers (as members of the trade unions) take the decisions together with the other factions of the school, these decisions cannot be discussed anymore by the trade unions because they were involved in the decision-making (Blackmore, 1990: 258).

Caldwell and Spinks (1992) found the position of the director in self-managing schools so important that they asked the question: What are the requirements of a director in a school where local school management is encouraged? When a school wants to develop to self-management a director should be familiar with cultural

leadership, strategic leadership, educational leadership, and responsive leadership. The culture of a self-managing school is different from the old schools. The director is expected to create and to support this new school culture. The key values in a self-managing school are quality, effectiveness, equity, efficiency, and authority. A director should integrate these values into his management taking into account the local situation. Next to this cultural leadership, a director needs strategic leadership. This means that he has to consider the consequences of his decision in the long run. He has to take into account how his decisions might be influenced by national and international trends and his policy should be more school oriented than oriented to a programme. Educational leadership is interested in teaching and learning, and the achievement of pupils. It has to contribute to the creation of a community of learners. Responsive leadership, at last, is directed to the school as an institution which not only has to take care of the interests of the pupils in particular, but also of the interests of the community at large and the local community.

Looking at the effects of decentralization in Canada and the USA, D.J. Brown (1990: 166-179) found that decentralization changed the role of the staff in matters of decision-making and of responsibility. The decision-making power and the responsibility of the director was enlarged. Teachers on the other hand participated in the local decision-making but did not have much influence on the decisions. Parents were not more concerned about school management than before. The level of concern of the parents was often influenced by the willingness of the director to give parents the opportunity to participate. Many had doubts about the managerial expertise of the parents.

This proves that a national decentralization policy might meet a lot of problems, making it rather hard to attain the aim of the legislator. Whether these problems will emerge in the South-African situation can only be answered by the future experience. The function of these examples is only to give a foreshadowing of what might happen when decentralization will be applied. Moreover, it should be stressed that the South African Schools Bill grants the authority to the Member of the Executive Council (of a province who is responsible for education in that province (Section 48)) to "allocate different powers and functions to different governing bodies if there is a reasonable and equitable basis for such differentiation" (Section 15 (2)) and to the Head of Department (of an education department in a province (Section 48)) to refuse or withdraw powers and functions of a governing body "if he or she is of the opinion that the governing body has failed or is unable to exercise the power or perform the function" (Section 15 (4) and (5)). Decentralization may be diminished by the policy makers of the province when they have good reasons to believe that a governing body has not the capacities to perform the powers and functions granted by the bill.

3. The election of the members of the governing body

To protect the democratic procedure of the election of the members of the governing bodies the South African legislator has defined the procedure. Section 17 of the SA Schools Bill determines that the election of parent and educator members shall be conducted by secret ballot under the control of the official designated by the Head

of the Department. Learners are nominated by the students' representatives council of the school (Section 16, (1)(e)) and members of the community are co-opted by all the other members of the governing body. Except for the learner member, whose term of office is not longer than one year, the members may not have a term of office longer than three years. Nonetheless, re-election is possible (Section 17(8)).

In Flanders the procedure of the election of the governing bodies (*lorgo* = lokale onderwijsraden van het gemeenschapsonderwijs) in public schools is similar to a certain extent. Parents are elected by secret ballot by the parents of the pupils of the school. These elected parents co-opt the community members. Parent members and community members co-opt together the teacher members among the members of the pedagogic council (a teacher council elected by the teachers). All directors of the schools of the same campus are *ex officio* member of the council, but have no right to vote, except one who acts also as governor (*afgevaardigd bestuurder*). The governor prepares the governing body's meetings and applies the decisions of the governing body. Pupils' representatives of the two last years of the secondary school may be invited to participate in the discussion of matters concerning the pupils, but they are not members of the governing body. The chairperson is elected among the parent members and the community members by the governing body.

In 1995 we conducted a survey in 201 governing bodies covering 469 state schools and 1,373 questionnaires of the 2,077 mailed questionnaires (66%) was answered by the members of these bodies, which gave a representative sample (Jegers, Verhoeven, Bally, Van Heddegem, 1996: 61).² What did we learn from these data?

A lot of parents, teachers and community members do not easily present themselves as a candidate for election or co-optation. About 41% of the governors invited people to be a candidate, 30% did not, and 29% did not work in the school at the moment of the election. The governors invited on average 3.6 people to be a candidate as a representative of the community, 3.5 as parent representative, 3.1 as teacher representative, and 1 to be a candidate for the chair. They invited these people because of their dedication to the state school system (86%), their expertise (67%), or because governors thought it was very likely to come to a good co-operation with them (49%) or because of their popularity (16%). This shows that a personal engagement by parents or teachers in a governing body is not evident; they had to be invited to be a candidate. Moreover, formal elections for the parents were only organized in 74% of the governing bodies. This probably explains why the members of the governing body are not very satisfied about the procedure of the election. Depending on the faction they scored between 3.1 and 3.8 on a scale of 5, with a high standard deviation. The latter shows that in some governing bodies members are very satisfied about the procedure, but also very dissatisfied. The most critical attitude could be found among the governors concerning the procedure of the co-optation of community members. About 50% of the members wanted the procedure for co-optation of teachers and community members to be changed. This was not the case for the appointment of the governor, the election of the parents and the appointment of the chair. Most members wanted to keep the procedure (Jegers, Verhoeven, Bally, Van Heddegem, 1996: 144-150).

2. This research was commissioned by the 'Departement Onderwijs' of the 'Ministerie van de Vlaamse Gemeenschap' (F.K.F.O. project 93.10).

What is the profile of the parents' members and the community members? The major part of the parents' representatives are male (69%) and between 41 and 50 years old (57%). 3% have only enjoyed elementary school, 46% secondary school and the rest higher education. The largest professional category (59%) are clerks, and only 10% of the members are working class. This means that the less privileged categories of society are underrepresented in the governing bodies. At the moment of the survey 25% of the parents' representatives have no children in the schools of the governing body, and 44% never had children in one of the schools. This is not illegal, but the fact that parents' representatives have no connection with the schools by their children insulates these parents' members from a more direct experience of the school culture. The profile of the community members is not very different from that of the parents' members: the largest part is male, between 41 and 50, well educated and have a white collar job. Underprivileged classes are not better represented by the community members than by the parents (Jegers, Verhoeven, Bally, Van Heddegem, 1996: 106-112).

The legislator did not provide a permanent pupil representation in the governing bodies in Flanders. About 57% of the members of the governing bodies do not see for them a position either. The opinion on this issue is very different among the factions: about 68% of the parents members think that representatives of the pupils of the two last years of the secondary school should have a seat in the governing body, but 64% of the governors and 51% of the teachers' representatives are opposed to this idea. Nevertheless, 53% of the governing bodies invited students' representatives when issues concerning the students were on the agenda. This is according to the decree, but we do not know the frequency or whether students were always invited when they should have been invited according to the decree (Jegers, Verhoeven, Bally, Van Heddegem, 1996: 152).

The different factions were asked to assess the competence of the other factions in school management. Most factions considered the other factions as 'competent', except the governors, who were seen as 'very competent'. Nevertheless, governors were more critical about the competence of parents' representatives and community members. When we checked the knowledge about ten rules of the functioning of the governing body there was hardly any difference between the knowledge of the different factions (except the governors): all factions scored about 6 on 10. Parents' representatives, chairpersons and community members think that they are mainly competent in the field of the general organization of the school, whereas teachers see themselves more competent in educational matters (Jegers, Verhoeven, Bally, Van Heddegem, 1996: 140-143).

These data show that although the election system is democratic, the procedure may have as a consequence that underprivileged groups do not really have a say in the governing body. They feel that they are not sufficiently prepared to do this job and are afraid to participate in school management. Moreover, there is a general reluctance of parents to be a candidate for this body, and this gives an alibi for governors to stimulate candidates sympathetic with their own opinion of school policy. It is also clear that although all factions consider the other as competent, there is a need of extra-training. Further, about two third of the parents' representatives want to give a place to the students' representatives in the governing body, yet the other groups are more reluctant. Learner representation in governing bodies is obviously not generally accepted by a large part of the governing bodies. A last

hinder for democratic decision-making can be found in the rather weak relationship between parents' representatives and the other parents: parents' representatives think that they inform regularly the other parents about the decisions of the meetings but believe that parents do not inform them sufficiently about their expectations. Here it should be stressed that this is the opinion of the parents' representatives, not of the parents. Although the South-African experience will go its own way, the Flemish experience may give some warnings for possible problems. Some of these problems are already anticipated by the legislator and are expressed in the planning, like extensive information of the members and capacity-building programmes for governing bodies (Section 18 of the South African Schools Bill; Education White Paper – 2, 1996: 17) and the obligation of the governing body to report to the parents at least every six months (Section 14). In spite of these legal obligations, careful attention should be paid to the implementation of these principles.

4. The chairperson

Section 17 (3) and (4) of the South African Schools Bill defines that the chairperson must be elected among the members of the governing body, and that this chairperson cannot be the principal of the school. This is also the case in the Flemish state school governing body. The advantage of this principle is that the representatives of the school community may have a stronger influence on school policy, and may have a democratic control on the management of the school by the principals.

Although most of the interviewed members of the Flemish governing bodies agree with this principle, even the governors (principals), this principle might have had some influence on the assessment of the quality of the functioning of the governing body, the assessment of the actual influence, and the assessment of the desirable influence of the governing body. The group valuing the functioning of the governing body 'good' is smaller in the faction of governor than in all other factions; this group is significantly larger among the chairpersons. In comparison with the chairpersons (58%) a smaller group of governors (48%) assess the actual influence of the governing body as 'big', and there is a strong difference between the proportion of governors (49%) and the proportion of the chairpersons (89%) who want to give a 'big influence' to the governing bodies. This is very likely an indicator that governors or principals have not reconciled themselves to the new governing structure and meet problems by doing their managerial function like before. About one quarter of the governors want the influence of the governing body to be smaller than it is now (Jegers, Verhoeven, Bally, Van Heddegem, 1996: 125-128). On the base of some case studies we can be more specific about this criticism. Some governors experienced that the governing body spent most of the time on issues of daily administration of the school, and not on the general school policy as defined by decree. They also opposed the principle that principals who are not governors are not allowed to vote about matters concerning their own school (Gheysen and Verhoeven, 1995: 28).

'Education White Paper – 2' (1996: 17) is correct to state that 'Democratic institutional management makes considerable demands on school principals and their

teachers'. It is a structure demanding new capacities and different attitudes of the principals in comparison with school-based management without a democratic elected governing body. On the other hand, the experience in other countries (see above) has shown that the influence of the principal in order to realize this democratic school policy may be very important. They have experience in leading schools, are familiar with budgeting, record keeping, have more contacts with other factions than all others, etc. This competence is very important for the realization of good school management. These capacities do not diminish the attention which should be paid to the training of principals to cultural, strategic, educational, and responsive leadership as described above. In order to benefit more by the competence of the principals some educationalists and policy makers prefer to give the chair of a governing body to a principal who has to be controlled by a democratic elected, but strong governing body.

5. The number of the representatives

The opinion of the authors of 'Education White Paper – 2' (1996: 11) advised the legislator "that parents and guardians should have the strongest numerical representation on governing bodies" because "Parents have most at stake in their education of their children, ...". Section 16 (2) agrees with this standpoint, and stipulates that parents of learners should comprise the majority of the members of the governing body. Governing bodies may take another decision, but then this should be approved by the Member of the Executive Council (Section 16 (5)). This is the only directive of the number of members of the governing body in the South African Schools Bill.

The Flemish decree is more specific in this respect; the number of representatives of each faction depends on the number of pupils in the schools and parents do not have more representatives than the co-opted community representatives. The parents' members, the community members, and chairpersons (they are elected among the parents' and the community representatives) were satisfied about the numbers. This is not the case for the governors' and the teachers' representatives. Governors think that principals and teachers have too little representatives, whereas parents' and community members have a little too many. Teachers' representatives want more representatives for their own faction and less representatives for the community. We thought that the number of the members in the governing bodies could have some influence on the perceived quality of the functioning of the governing body, the frequency of the meetings, the assessment of the decision-making process of the governing bodies, the perceived and the desired influence for the governing body on some fields of management, the assessment of the impact of the governing bodies on some fields of management, and the general satisfaction about the governing body. Our data falsified these hypotheses: the number of members in the governing bodies seems to have no influence on these variables (Jegers, Verhoeven, Bally, Van Heddegem, 1996: 362). Nonetheless, experience learns that councils should not be too big, because too big councils might hinder the discussion and the relationship among the members, which may slow down the speed of decision-making.

These statements cannot forecast the impact of a governing body composed of a majority of parents' representatives as is stipulated by the South African Bill. The data, yet, suggest that among the principals the feeling might raise that parents are overrepresented. Nevertheless, this is only a hypothesis; it is quite possible that the participation of parents in school management is more easily accepted in South Africa than it is in Belgium.

6. The frequency of the meetings

Section 14 (b) of the South African School Bill determines that a governing body meets at least every three months. This is an important minimum norm to organize meetings, and certainly facilitates a democratic decision-making process. On the other hand, if a governing body limits the meetings to three or four a year it might hinder a smooth decision-making process. If we take into account the character and the number of the duties and the rights of the governing bodies (see later) it could be very hard to perform them properly (e.g. pay the accounts) when the rhythm of the meetings is reduced to the prescribed number. Agendas would be too loaded, which will not provide enough time to come to an agreement in very important matters. The experience will show what governing bodies will do.

In our survey we found that 15% of the governing bodies had five meetings a year, 20% six, 11% seven, and 40% eight or more. Most of the members were satisfied about this frequency and in most of the meetings more than half of the members of each faction was present. Although we expected that the frequency of the meetings could have some influence on the evaluation of the functioning of the governing bodies, the data forced us to reject this hypothesis. More important was the percentage of the meetings in which at least one of the members of each faction was present, at least for some management variables, e.g. the higher this percentage, the more frequently and the more faithfully decisions of the governing body were carried out, and the higher the impact of the governing bodies was estimated (Jegers, Verhoeven, Bally, Van Heddegem, 1996: 186, 411, 414-415). Frequency of meetings seems not to be very important. More prominent is the participation of all factions in the meetings. This conclusion does not mean that the frequency of the meetings is negligible: the frequency of the meetings should be large enough in order to come to a smooth decision-making process.

7. The rights and the duties of the governing bodies

The South African legislator discriminates between "the powers and functions of the governing bodies" (Section 13) and "the duties of a governing body" (Section 14). The powers and the functions are composed of a long list of managerial measures which *may* be applied by the governing body:

"(a) develop the mission, goals and objectives of the school;

- (b) determine the admission policy of the school, with the concurrence of the *Member of the Executive Council*;
- (c) determine the language policy of the school subject to the appropriate national and provincial policy;
- (d) determine the policy for religious observance at the school;
- (e) determine school times;
- (f) determine the extra-mural curriculum of the school, and determine the curriculum of the school in terms of provincial policy and subject to the South African Qualifications Act, 1995;
- (g) recommend the appointment of *educators* to the *Head of Department*, subject to the Educators Employment Act, 1994, and the Labour Relations Act, 1995;
- (h) recommend the appointment of non-*educator* staff to the *Head of Department*, subject to the Public Service Act, 1994, and the Labour Relations Act, 1995;
- (i) determine and oversee the budget of the school each year;⁴
- (j) determine, charge and oversee the collection of any school fees payable by *parents of learners* at the school;
- (k) raise other revenues including voluntary contributions to the school in cash or kind;
- (l) establish and administer a school fund into which fee payments and voluntary cash contributions shall be paid;
- (m) purchase textbooks and educational materials for the school;
- (n) purchase equipment for the school;
- (o) maintain the grounds and buildings of the school;
- (p) pay the accounts for services to the school;
- (q) join voluntary associations;
- (r) allow the reasonable use of the facilities of the school for community purposes, subject to such reasonable conditions as the *governing body* may determine; or
- (s) perform other functions or exercise other powers as determined by the *Member of the Executive Council* by notice in the Provincial Gazette (Section 14)."

This is a very detailed list with a lot of interesting suggestions. Experience will learn whether governing bodies will interfere in all these matters or not. Interesting is also that in the future this list might expand, as suggested in 13 (s) of the bill. By putting these functions as possible functions, it is quite understandable, that there might emerge discussion about what to do and what not. Schools have their own culture and only by changing the rules the culture will not change. It will most likely take some time to bring all members of the governing body to the same attitude and the same opinion about the future school policy. This might contribute to the development of school-based management, typical for the school, but it might also hinder decisions which should be taken fast.

The second list of functions of the governing bodies, mentioned in section 14, is a list of tasks which has to be done by the governing body. These tasks are a kind of guarantee for democratic control: inspection might come from the Department, a parent, and a learner or a member of the staff, and at least every six months the governing body should report to the parents of the learners about the performance of its functions. This is the list of the duties of the governing bodies:

- (a) subject to *this Act*, draw up a constitution and submit a copy thereof to the *Member of the Executive Council* within thirty days of the date referred to in section 42 (1) (b);
- (b) meet at least every three months;

- (c) keep a minute of its meetings;
- (d) on request, make the minutes of its meetings available for inspection by the *Head of Department, a parent, a learner or member of staff* at the school;
- (e) prepare an annual budget, keep its accounts in order, and publish an annual audited statement of income and expenditure;
- (f) report on the performance of its functions and the exercise of its powers to *parents of learners* at the school, at least every six (6) months;
- (g) convene an annual meeting of *parents of learners* enrolled at the school;
- (h) adopt a code of conduct for *learners* at the school, as provided in section 8; and
- (i) promote the best interests of the school.

Nobody will be surprised that these principles will not be applied by all governing bodies the same way. Schools are different and this is also the case for school management. Governing bodies are groups of decision makers with different capacities and experience, who have to pay attention to the tradition of the school, the school culture, the place of the school in the neighbourhood, etc. Therefore schools will show a different management pattern although most will work according to the law.

In Flanders state school governing bodies got similar duties as the South African schools will have according to the Schools Bill. It is not our purpose to make a comparative analysis of the duties in both countries, but it will be good to have some idea of the main duties of the Flemish governing bodies in order to understand the reaction of members of governing bodies on these rights and duties.

The governing body in Flemish state schools approves the school work plan, proposed by the pedagogic council, selects temporary staff which meet the formal state prescriptions, and proposes temporary staff for appointment to the Central Council of the ARGO (a national umbrella organization for all state schools). Salaries of the personnel are paid by the government, but the governing body has the right to buy and administer school equipment. Every year these councils present a budget to the Central Council. The control of an adequate appropriation of the budget is the responsibility of a government commissioner and the ARGO office of examiners. If schools have to be renovated or need more space they may make propositions to the ARGO.

It might be instructive to know how, after some years of participation in governing bodies, members of these governing bodies reacted on these rights and duties. It will not surprise anybody that the reactions were different among the members depending on their position in the governing body. The percentage of parents' representatives, of community representatives, and of chairpersons willing to give more power to the governing bodies than they have, is much larger than the percentage of teachers' representatives and governors preferring more power for the governing body. The reason is probably that teachers and certainly governors lose a part of their independence, and have to share parts of their power with other factions of the governing body. The research has also shown that the expectation to grant more power to the governing bodies is different among the factions depending on the field under consideration, viz. personnel, finance and equipment, educational organization, and general organization.

Another possible problem, which does not necessarily lead to an open conflict, is the assessment of the participation of the other factions in comparison with its own

faction. The level of participation of the governors and the chairpersons is in the opinion of the other factions much higher than their own level. Parents', teachers' and community members realize that the position of the chairperson, and the experience of the principal are important assets to enlarge their influence in governing bodies. It is not easy for the other factions to compete with the governor who has more information, experience and more time to reflect on managerial problems (Jegers, Verhoeven, Bally, Van Heddegem, 1996: 160-163).

The feeling of some factions having less influence on the decision-making process than they expect to have, bring them to look for more influence. This is the case for the parents' members and the community members: they have a feeling of deprivation. This is less so for the category of the chairpersons and the teachers' representatives. The governors, on the other hand, wish less influence for the governing bodies than they have. This can also be understood in the context of their former, more independent position. The same criticism can be found among the governors when they were asked whether the governing body made any difference in school management. Most governors think that the governing body makes no difference in comparison with the former decision-making structure, whereas the other factions think that the governing body makes a small positive difference. The governing body seems to be considered an improvement for school policy, although the improvement is rather small. On average all factions are satisfied about the functioning of the governing body, but the standard deviation for parents' members, community members and teachers' members is large, i.e. there are very different assessments of the governing body among these categories (Jegers, Verhoeven, Bally, Van Heddegem, 1996: 206-209).

In spite of these problems our data also show that governing bodies may develop a climate of co-operation among the members which is really fruitful for school policy. Our method does not allow to detect what the direction of the influence of the variables is, but certainly it permits to see the relationship between the following phenomena: members of the governing bodies who think that the co-operation between the members is good, also believe that the governing body functions smoothly and has more impact on school policy than in other governing bodies. They also believe that the decision-making is better, and that the content of the decisions is of a high quality. They think as well that the frequency, and the reliability of putting the decisions are high. Members who believe that the co-operation between the members is high also observe that governing bodies make a difference in school management on four domains, namely personnel, finance, educational organization and general organization. What we demonstrate here is not that good co-operation in the governing bodies is the only condition for good school policy; we did not measure the cooperation and the results of the decision-making process. We only found that when the members of a governing body feel that they have a good co-operation they also have a positive assessment of the functioning of the governing body. This might be stimulating for future school policy (Jegers, Verhoeven, Bally, Van Heddegem, 1996: 431).

8. Conclusion

The governing body of the public schools in South Africa is one of the means to achieve an equitable distribution of education provision in the local communities. It is a recognition of "the inalienable right of the parents to choose the form of education which is best for their children" (Education White Paper - 2, 1996: 7). Therefore parents of learners receive a central position in the governing bodies, a position shared by the other groups working or living in the schools. This might be a challenge for principals, who have to share their power with the other members of the schools. School-based management will not longer be founded on the individual managerial capacities of the principal, but has to be developed in accordance with the opinions of the other groups of the school and in partnership with the provincial authorities. Although this is a limitation of the power of the principal, it expands their duties. In this context school management requires the capacity of principals to contribute to the empowerment of the other groups in the school, contributing to a democratic school and a democratic society.

This route to democratization and decentralization of educational management is promising according to experiences elsewhere, but this route is not free from problems. Experience in other countries has shown that it is not easy to make all groups in the school aware of their responsibility. It is even not always easy to find in all schools people prepared to participate in this school-based management. A governing body has to come to a co-operation even when the interests of the groups are opposed. This process needs negotiation, the will to co-operate, learning the lacking managerial skills, and a believe in the feasibility of this type of school management. Structural hindrances and cultural differences may slow down this process, and in some schools the achievement of this purpose seems to be hard to attain. On the other hand, experience has shown that this purpose is not a fiction.

At the end of this article I want to stress once more that these reflections lean strongly against research about governing bodies of public schools in Flanders. It is not our suggestion that all conclusions may be transferred to the situation of governing bodies in South Africa. The many cultural, economical, and social differences between the two countries do not allow to do this. Moreover, the position, the power, and the duties of the governing bodies in both countries are different on more than one point. What was presented in this article is only an invitation to the reader to take a look to what happened in an other country, and to learn from their achievements and problems what might happen when members of school communities are invited to take responsibility in school-based management.

9. Bibliography

- ANDERSON, C.S. (1982) 'The search for school climate: a review of the research', *Review of Educational Research*, 52 (3): 368-420.
- BLACKMORE, J. (1990) 'School-based Decision-making and Teachers Unions: The Appropriation of a Discourse', pp. 245-277 in CHAPMAN, J.D. (ed.), *School-based Decision-making and Management*. Lewes: Falmer Press.
- BROWN, D.J. (1990) *Decentralization and School-based Management*. Lewes: Falmer Press.
- CALDWELL, B.J., J.M. SPINKS (1992) *Leading the Self-Managing School*. Lewes: Falmer Press.
- CHAPMAN, J. (1990) 'School-based Decision-making and Management: Implications for School Personnel', pp. 221-244 in CHAPMAN, J. (ed.) *School-based Decision-making and Management*. Lewes: The Falmer Press.
- GHEYSSEN, A., J.C. VERHOEVEN (1994-1995) 'Lokale schoolraden en participatieraden. Houing tegenover de nieuwe beleidsstructuren', *Tijdschrift voor Onderwijsrecht en Onderwijsbeleid*, (1): 25-36.
- JEGERS, M., J.C. VERHOEVEN, F. BALLY, I. VAN HEDDEGEM (1996) *Evaluatie van de werking van participatieraden en lokale schoolraden in het basisonderwijs en secundair onderwijs*. 3 delen Leuven: Departement Sociologie en Brussel: Centrum voor Financiële Analyse en Beleid.
- LEVINE, D.U. (1992) 'An interpretative review of US Research and Practice dealing with unusually effective schools' pp. 25-47 in P. REYNOLDS and P. CUTTANCE (eds) *School effectiveness: research, policy and practice*. London: Cassell.
- LUGTHART, E. et al. (1989) *Effectieve schoolkenmerken in het voortgezet onderwijs. Een literatuuroverzicht*. Groningen: Rion.
- REYNOLDS, D. (1992) 'School effectiveness and school improvement: an updated review of the British literature', pp. 1-24 in D. Reynolds and P. Cuttance (eds) *School effectiveness: research, policy and practice*. London: Cassell.
- REYNOLDS, D. & K. REID (1985) 'The second stage: towards a reconceptualization of theory and methodology in school effectiveness research', pp. 191-204 in Reynolds, D. (ed.), *Studying school effectiveness*. London: Falmer.
- ROSENHOLTZ, S.J. (1985) 'Effective schools: interpreting the evidence', *American Journal of Education*, 93: 352-388.
- ROZENHOLTZ, S.J. (1989) *Teachers workplace. The social organization of schools*. New York: Longman.
- RUTTER, M. et al. (1986) 'The study of school effectiveness', pp. 32-43 in Van Der Wolf, J.C. & J.J. Hox, *Kwaliteit van het onderwijs in het geding*. Lisse: Swets & Zeitlinger.
- RUTTER, M. et al. (1979-1987) *Fifteen thousand hours. Secondary schools and their effects on children*. Wells (Somerset): Open Books.
- VERHOEVEN, J.C. (1982a) *De leerkrachten uitgedaagd. Een onderzoek over leerkrachten en onderwijsvernieuwing*. Leuven: Sociologisch onderzoeksinstituut.
- VERHOEVEN, J.C. (1982b) 'De spanning tussen bureaucratisering en professionalisering: hinder of steun voor innovatie van leerkrachtengedrag', pp. 199-232 in Studiegroep voor Onderwijsbeleid en -begeleiding (ed) *Vernieuwd Secundair*

- Onderwijs 1970-1982. Een confrontatie tussen onderzoek en praktijk.* Leuven: Acco.
- VERHOEVEN, J.C., A. GHEYSEN (1993) *The effectiveness of schooling and Educational resource management in Belgium (Flanders)*. Leuven: Departement Sociologie, Centre for Theoretical Sociology and Sociology of Education, 352 pp.
- VERHOEVEN, J.C., R. VANDENBERGHE (1989) 'Invloed van decentralisatie en deregulering op het schoolbeleid', *Pedagogisch Tijdschrift*, 14 (5): 353-369.
- VERHOEVEN, J.C., R. VANDENBERGHE, J. VAN DAMME, M. CLEMENT, D. MAETENS, G. VERGAUWEN (1992) *Schoolmanagement en kwaliteitsverbetering van het onderwijs. Een empirisch onderzoek in secundaire scholen*. Leuven: Departement Sociologie - Departement Pedagogische Wetenschappen, XXXI + 553 pp.
- XXX (1988) *Bijzonder decreet betreffende de Autonome Raad voor het Gemeenschapsonderwijs van 19 december 1988*, Belgisch Staatsblad, 29/12/1988: 17818-17827.
- XXX (1996) *Education White Paper - 2. The organisation, governance and funding of schools*. Pretoria: Department of Education, February 1996.
- XXX (1996) *South African Schools Bill. 29 March 1996*. Draft for Discussion as introduced by Minister Of Education.

Jan De Groof & Elmene Bray (eds.)

Education under the new Constitution in South-Africa

Published with the Support of the Flemish Government and the Commission of the European Union.

Acco Leuven / Amersfoort

Also by the same author, and published by Acco:

- De Groof, J. (ed.), *The Legal Status of Teachers in Europe. Mobility and Education* (1995).
 De Groof, J. (ed.), *Subsidiarity and Education. Aspects of Comparative Educational Law* (1994).
 De Groof, J. (ed.), *Comments on the Law on Education of the Russian Federation* (1993).
 De Groof, J. (ed.), *Educational Policy in Russia and its Constitutional Aspects* (1994).
 De Groof, J. (ed.), *Minorities in Education* (forthcoming).

First edition: 1996

R .380.00.0
 32 010 3752

Published by Uitgeverij Acco, Tiensestraat 134-136, 3000 Leuven (België)

For the Netherlands: Postbus 284, 3830 AG Leusden / Postbus 1285, 3800 BG Amersfoort

© 1996 by Acco (Academische Coöperatief c.v.), Leuven (België)

No part of this book may be reproduced in any form, by mimeograph, film or any other means without permission in writing from the publisher.

D/1996/0543/250

NUGI 693

ISBN 90-334-3752-X

Table of Contents

Table of Contents	5
Detailed Contents	9
 I. INTRODUCTIONS	 21
1. As a token of our high esteem – Bij wijze van diepe waardering – <i>Jan De Groof</i>	23
2. 'n Nuwe Grondwet vir Suid-Afrika. Toespraak gelever tydens die Akademiese Plegtigheid op 23 April 1996 aan die Universiteit van Gent – <i>Johan Kriegler</i>	27
 II. THE NEW CONSTITUTION AND THE DRAFT SCHOOL BILL	 33
3. Education in transition: the impact of the Draft South African Schools Bill of 1996 – <i>Elmene Bray</i>	35
4. Some comments and questions on rights dealing with education in the R.S.A. On section 29 of the Constitution and the draft South African Schools Bill – <i>Jan De Groof</i>	55
5. Threading the Transitional Maze: the SA Schools Bill, 1996 – <i>Sarie J. Berkhout</i>	105

6. Comment on the South African Schools Bill (20 June 1996) of the South African Federation of State-Aided Schools (SAFSAS) – <i>P.J. Visser & J.M. Potgieter</i>	119
7. Some reflections on the structure of the governing bodies of public schools in the South-African Schools Bill (29 March 1996) – <i>Jef Verhoeven</i>	129
8. The RSA Schools Bill. Some comments from the viewpoint of education quality – <i>Johan Heene</i>	145
III. THE GENERAL SCOPE OF EDUCATIONAL RIGHTS IN SOUTH-AFRICA	149
9. The Equality Principle and the Right to Education as implemented in South Africa against the background of the International Law Framework – <i>Kristin Henrard</i>	151
10. The Right to Education and the Protection of Minorities in South Africa: a preliminary perspective – <i>J.M. Potgieter</i>	169
11. Minorities and the Right to Education: Equality of rights in education. A study based on the decisions of the Supreme Court and the Court of Arbitration – <i>Ludo Veny</i>	177
12. The Overall Importance of Education Law – <i>Jan De Groof</i>	211
IV. ELEMENTS OF COMPARATIVE EDUCATIONAL LAW	235
13. Education: a persistent constitutional problem in the Netherlands – <i>Piet Akkermans</i>	237
14. The right to non-discrimination in Dutch education – <i>Andries Postma</i>	247
15. The Belgian Model for Constitutional Rights on Education? – <i>Jan De Groof</i>	255

16. What would "Equal Treatment of Religion" mean for Education in the U.S.A.? – <i>Charles L. Glenn</i>	261
V. ANNEXES	279
1. South African Constitution	281
2. International Public Law	295
3. Bill to provide a uniform system for the organisation, governance and funding of school; consequently to amend and repeal certain laws relating to schools; and to provide for matters connected therewith	300
4. Constitutional Court of South Africa: Dispute concerning the Constitutionality of certain provisions of the National Education Policy Bill, No 83 of 1995 (Case no CCT 46/95)	319
5. In the Constitutional Court of South Africa: The Gauteng Provincial Legislature (Case no CCT 39/95)	332
6. In the Supreme Court of South Africa (Transvaal Provincial Division): Potgietersrus-case (Case no 2436/96)	363